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5 Attorney for: Defendant MARLON SPENCER



2/25/2011

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. 09-00400 JW
Plaintiff,)
vs.) *[Signature]*
MARLON SPENCER,)
Defendants.)
)

The United States of America, by Grant P. Fondo,
Assistant United States Attorney, and the defendant in the above
case, by and through his attorney Peter A. Leeming, hereby enter
into this joint stipulation.

The parties stipulate, and ask the Court to adopt as its FINDINGS that:

1. This case is currently set for a sentencing hearing on February 28, 2011 at 1:30 P.M. Through this stipulation, the parties are requesting that the sentencing hearing be continued one week until March 7, 2011, at 1:30 P.M.

2. Counsel for Mr. Spencer, Peter A. Leeming, is scheduled to be in state court in Palo Alto on February 28, 2011, at 1:30 PM. This court appearance was set by another attorney who specially appeared when Mr. Leeming was selecting a jury in US v. Roscoe, et al., No. Cr-07-00373 RMW.

3. The government does not object to the one week continuance.

4. Both sides therefore respectfully request that the court order that the current sentencing date of February 28, 2011 be continued to March 7, 2011 at 1:30 PM, and

IT IS SO STIPULATED

Dated: February 22, 2011 By: _____ /S/
GRANT P. FONDO, Assistant
United States Attorney

Dated: February 22, 2011 By: _____ /S/
PETER A. LEEMING, attorney
for MARLON SPENCER

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**



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7 UNITED STATES OF AMERICA,) No. 09-00400 JW
8)
9 Plaintiff,)
10)
11 vs.)
12)
13 Marlon Spencer,)
14)
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15 **ORDER**

16 For the reasons stated in the above stipulation, the Court
17 hereby orders that the sentencing hearing in the above case is
18 continued from February 28, 2011 to March 14, 2011 at 1:30 PM.
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21 IT IS SO ORDERED.

22 Dated: February 25, 2011

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The Honorable James Ware